

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

SHANE COOK, et al.,)
Plaintiffs,)
v.) Case: 4:21-cv-930
FAMILY MOTORS, LLC, et al.,)
Defendants.)

**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT AGAINST DEFENDANT
BRENDA YOAKUM-KRIZ UNDER COUNTII AND COUNT III OF PLAINTIFFS'
SECOND AMENDED COMPLAINT**

Plaintiffs, Shane Cook and Karla Caro (collectively "Plaintiffs"), pursuant to F. R. Civ. P. 56, move this Court to enter summary judgment against Defendant Brenda Yoakum-Kriz ("Defendant") under Count II and Count III of their Complaint, stating the following in support:

Defendant has objected to all discovery requests by Plaintiffs on the grounds that all information sought is privileged. Plaintiffs have no intention of contesting these objections, as the result is that there is no material dispute as to any fact because Defendant cannot introduce any evidence to contradict any facts put forward by Plaintiffs. That does not preclude Defendant from arguing any legal defense she may have, but the undisputed material facts demonstrate that Plaintiffs are entitled to judgment as a matter of law, so judgment should be entered in their favor and against Defendant.

Plaintiffs incorporate by reference here by reference their Statement of Undisputed Material Facts and Suggestions in Support, which are concurrently filed herewith.

Plaintiffs recognize that the one set of facts Defendant may be entitled to discovery on will be Plaintiffs' claims for attorneys fees and requests that the Court grant Defendant 15 days to conduct discovery on this issue.

WHEREFORE, for the reasons stated above, Plaintiffs pray the Court enter an order granting Defendant Brenda Yoakum-Kriz a period of not more than 14 days to conduct discovery on the issue of damages, an order providing Plaintiffs and Defendant Brenda Yoakum-Kriz an additional 30 days after the close of the limited discovery to file supplementary arguments or evidence on the issue of damages, and then enter summary judgment in Plaintiffs favor and against Defendant Brenda Yoakum-Kriz on Counts II for actual damages as determined by the Court, on Count III for actual damages, attorneys' fees, and punitive damages in amounts set by the Court, and for such further relief as the Court deems just and necessary.

Respectfully submitted,

Dated: May 20, 2022

THE WILLISTON LAW FIRM, LLC

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on May 20, 2022, a true and accurate copy of the foregoing filed with the court's electronic filing system, which will give notice to all attorneys of record. Plaintiff further mailed a copy via regular US Mail to Defendants Family Motors, LLC, Derrick Richardson and Antonio Harbin at 8735 US Hwy 40, Independence MO 64129.

/s/ *Keith N. Williston*

Attorney for Plaintiffs